

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

In re: MARK WOODARD,

Plaintiff,

ORDER

Misc. Pro.

Plaintiff Mark Woodard has submitted a document titled "Request for Habeas Corpus," containing this sole allegation: "Against United States Internal Revenue Service (IRS) from harassing this person again with improper, time wasting effort wasting paperwork; paperwork that fails to demonstrate what the problem is and or is improper itself." Thus it appears he is seeking injunctive relief from the Internal Revenue Service. Such an action is not an action properly brought under the habeas corpus statutes. Those statutes govern cases in which persons being held in allegedly illegal custody seek their release.

Although I express no opinion at this time whether plaintiff's action is properly filed in this court, it is clear that it is civil in nature. If plaintiff wishes to file it in this court, he must pay the \$350 filing fee or seek leave to proceed in forma pauperis by filling out a petition and affidavit to proceed without prepayment of fees, a copy of which is attached to

this order. Plaintiff has until October 26, 2009 to do so. Should he not submit either payment or a petition and affidavit to proceed without prepayment of fees, I will direct the clerk of court to close this file.

ORDER

IT IS ORDERED that plaintiff has until October 26, 2009 to either submit (1) a check or money order made payable to the clerk of clerk in the amount of \$350; or (2) the enclosed petition and affidavit to proceed without prepayment of fees. If, by October 26, 2009, plaintiff fails to do so, the clerk of court is directed to close this file.

Entered this 5th day of October, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge